

FREEDOM COURT REPORTING

<p style="text-align: right;">Page 1</p> <p>1 IN THE UNITED STATES DISTRICT COURT 2 FOR THE MIDDLE DISTRICT OF ALABAMA 3 NORTHERN DIVISION 4 5 RICARDO MATTHEWS, et al., 6 Plaintiffs,) 7 vs.) CASE NUMBER: 8 TOWN OF AUTAUGAVILLE,) 2:06-CV-185-MHT 9 et al.,) 10 Defendants.) 11 12 DEPOSITION OF CURTIS JACKSON 13 In accordance with Rule 5(d) of 14 The Alabama Rules of Civil Procedure, as 15 Amended, effective May 15, 1988, I, Cindy 16 Weldon, am hereby delivering to Jim 17 Debardeleben, the original transcript of the 18 oral testimony taken on the 20th day of 19 April, 2007, along with exhibits. 20 Please be advised that this is the 21 same and not retained by the Court Reporter, 22 nor filed with the Court. 23</p>	<p style="text-align: right;">Page 3</p> <p>1 AGREED that it shall not be necessary for 2 any objections to be made by counsel to any 3 questions, except as to form or leading 4 questions, and that counsel for the parties 5 may make objections and assign grounds at 6 the time of trial, or at the time said 7 deposition is offered in evidence, or prior 8 thereto. 9 IT IS FURTHER STIPULATED AND 10 AGREED that notice of filing of the 11 deposition by the Commissioner is waived. 12 13 14 15 16 17 18 19 20 21 22 23</p>
<p style="text-align: right;">Page 2</p> <p>1 IN THE UNITED STATES DISTRICT COURT 2 FOR THE MIDDLE DISTRICT OF ALABAMA 3 NORTHERN DIVISION 4 5 RICARDO MATTHEWS, et al., 6 Plaintiffs,) 7 vs.) CASE NUMBER: 8) 2:06-CV-185-MHT 9 TOWN OF AUTAUGAVILLE,) 10 et al.,) 11 Defendants.) 12 13 STIPULATION 14 IT IS STIPULATED AND AGREED, by 15 and between the parties through their 16 respective counsel, that the deposition of 17 CURTIS JACKSON, may be taken before Cindy 18 Weldon, Certified Shorthand Reporter, 19 Commissioner and Notary Public, at the 20 offices of Nix, Holtsford, 4001 Carmichael 21 Road, Montgomery, Alabama, on April the 22 20th, 2007 at 9:00 a.m. 23 IT IS FURTHER STIPULATED AND</p>	<p style="text-align: right;">Page 4</p> <p>1 APPEARANCES 2 3 FOR THE PLAINTIFF: 4 MR. JIM DEBARDELABEN 5 DEBARDELABEN, WESTRY 6 1505 MADISON AVENUE 7 MONTGOMERY, ALABAMA 36107 8 9 FOR THE DEFENDANT: 10 MR. RICK HOWARD 11 NIX, HOLTSFORD 12 4001 CARMICHAEL ROAD 13 MONTGOMERY, ALABAMA 36106 14 15 ALSO PRESENT: 16 MR. LEVAN JOHNSON 17 MR. WYATT SEGERS 18 MR. DONNIE MARTIN 19 20 21 22 23</p>

1 (Pages 1 to 4)

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**PLAINTIFF'S
EXHIBIT**

FREEDOM COURT REPORTING

Page 5	Page 7
<p>1 INDEX</p> <p>2</p> <p>3 EXAMINATION BY: PAGE</p> <p>4 MR. DEBARDELABEN 6</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p>	<p>1 A. My home address?</p> <p>2 Q. Yes, sir.</p> <p>3 A. 2177 Highway 14 West, Autaugaville</p> <p>4 36003.</p> <p>5 Q. And how long have you lived at</p> <p>6 that address?</p> <p>7 A. Fifty-four years.</p> <p>8 Q. Do you have any relatives over</p> <p>9 nineteen years of age that live within a</p> <p>10 hundred miles of the City of Montgomery?</p> <p>11 A. Over nineteen.</p> <p>12 Q. Yes, sir.</p> <p>13 A. Yes.</p> <p>14 Q. Would you give me their names.</p> <p>15 A. I have a son that lives in</p> <p>16 Valleydale just this side of Birmingham.</p> <p>17 Q. And what is his name?</p> <p>18 A. His name is Ronald Jackson.</p> <p>19 Q. Keep on going.</p> <p>20 A. My daughter.</p> <p>21 Q. And her name?</p> <p>22 A. Her name is Jan Hardin.</p> <p>23 Q. And where does she live?</p>
Page 6	Page 8
<p>1 CURTIS JACKSON,</p> <p>2 after first being duly sworn, testified</p> <p>3 as follows:</p> <p>4 EXAMINATION BY MR. DEBARDELABEN:</p> <p>5 THE COURT REPORTER: Usual</p> <p>6 stipulations?</p> <p>7 MR. HOWARD: Sure.</p> <p>8 MR. DEBARDELABEN: Yes.</p> <p>9 Q. Mayor Jackson, this is a Federal</p> <p>10 deposition. Under Federal Rules of Civil</p> <p>11 Procedure, you have the right to read this</p> <p>12 and sign it to see if it's correct.</p> <p>13 You can't change your answer.</p> <p>14 It's just to see if she took down what you</p> <p>15 said correctly. You might want to talk to</p> <p>16 your lawyer to see if you want to read and</p> <p>17 sign it or waive reading and sign.</p> <p>18 MR. HOWARD: We'll make that</p> <p>19 decision after it's over.</p> <p>20 Q. Would you state your name,</p> <p>21 please.</p> <p>22 A. Curtis Jackson.</p> <p>23 Q. And what's your address?</p>	<p>1 A. She lives on County Road 21 South,</p> <p>2 Autaugaville.</p> <p>3 Q. Okay. And any more?</p> <p>4 A. That's all. You said family?</p> <p>5 Q. Yes, sir, family.</p> <p>6 A. Well, how far does that family</p> <p>7 go?</p> <p>8 Q. Anybody that's kin to you by blood</p> <p>9 or marriage.</p> <p>10 A. I have several cousins and that</p> <p>11 kind of stuff.</p> <p>12 Q. Do you know their names?</p> <p>13 A. I don't know the addresses.</p> <p>14 Q. I don't need their addresses. I</p> <p>15 just need their name and generally where</p> <p>16 they live.</p> <p>17 A. Okay. I've got a Lafayett</p> <p>18 Sanderson. He's one of the council</p> <p>19 members. He lives in Autaugaville.</p> <p>20 Q. Any more?</p> <p>21 A. I've got a -- Well, Seth Snuggs.</p> <p>22 He lives in Autaugaville.</p> <p>23 Q. Any more?</p>

2 (Pages 5 to 8)

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FREEDOM COURT REPORTING

<p style="text-align: right;">Page 9</p> <p>1 A. I'm sure I do. But I can't think 2 of any others right now. 3 Q. And your wife's name? 4 A. Her name is Judy Jackson. 5 Q. Now, you were named in this 6 lawsuit concerning the City of Autaugaville 7 in -- I don't think you were named. Yes, 8 you are -- your official capacity as mayor 9 of Autaugaville. Now, how long have you 10 been mayor of Autaugaville? 11 A. Thirty-nine years. 12 Q. Thirty-nine years. As mayor of 13 Autaugaville, what are your duties? 14 A. Well, in a short version, I'd say 15 it's overseeing the overall operation of the 16 town. 17 Q. Okay. Do you supervise the 18 day-to-day activities? 19 MR. HOWARD: Object to the form. 20 You can answer. 21 A. Well, I supervise them. But not 22 being with them all the time. But I'm in 23 contact with them everyday and see that</p>	<p style="text-align: right;">Page 11</p> <p>1 along with the council that we interview all 2 those that we employ. 3 Q. So if we take Mr. Segers -- he's 4 here, for instance -- when he applied for a 5 job, did you interview him? 6 A. Well, I'd have to go back and 7 check the record. I didn't sit in on all 8 the interviews. The council did. I just 9 sat in on different ones when I was there. 10 Q. Tell me what goes on in one of 11 those interviews. 12 A. Well, we check into the background 13 and, you know, get him to talk about his 14 experience that he's had and try to 15 determine if he's got a clean record and go 16 into family situations somewhat, whatever he 17 is willing to tell us to try to find out 18 something about him. 19 And we've got a list that really 20 we kind of follow through that we do them 21 all the same way. 22 Q. Okay. Do you check with the 23 people who are going to become police</p>
<p style="text-align: right;">Page 10</p> <p>1 things are going well. 2 Q. Basically do you supervise the 3 people who are in supervisory positions, the 4 department heads? 5 A. Yes, I do. 6 Q. Okay. Do you give those people 7 any type of annual evaluation? 8 A. I do. 9 Q. Do you supervise the police 10 department? 11 A. Well, yes, I supervise them. My 12 interpretation of supervision is checking 13 with them everyday and seeing that 14 everything is going well in the department. 15 Q. In the setup of the County of 16 Autaugaville -- excuse me -- the City of 17 Autaugaville, does the chief of police 18 report to you? 19 A. Yes. 20 Q. When people are hired in the 21 police department, what, if any, action do 22 you take? 23 A. Well, I'm a part of the committee</p>	<p style="text-align: right;">Page 12</p> <p>1 officers if they are certified by the 2 Alabama Peace Officers Standards and 3 Training Commission? 4 A. We do. 5 Q. Do you hire -- Will you hire 6 somebody before they are certified by the 7 Alabama Peace Officers Standards and 8 Training Commission? 9 A. Yes. We've hired them while they 10 are under the guidance of a certified 11 officer. 12 Q. Okay. Tell me what your 13 interpretation of the guidance of a 14 certified officer is. 15 A. Well, I would say it's the same 16 way that I supervise the other employees of 17 the Town, that, you know, he's not with them 18 all the time. But he's within a -- you 19 know, the Town is just four miles square. 20 With cell phones and radios in the 21 cars and he's in -- can be in constant 22 contact within a minute or two of any of the 23 policemen. And they are under his guidance</p>

3 (Pages 9 to 12)

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FREEDOM COURT REPORTING

<p style="text-align: right;">Page 13</p> <p>1 and supervision until they become qualified.</p> <p>2 Q. Who did you contact, if anybody,</p> <p>3 to come up with that definition?</p> <p>4 A. I read the law.</p> <p>5 Q. You read the law. You got a law</p> <p>6 degree?</p> <p>7 A. No.</p> <p>8 Q. Did you read the APOSTC's rules</p> <p>9 and regulations?</p> <p>10 A. Yes, sir, I read those, too.</p> <p>11 Q. Did you talk to the head of -- and</p> <p>12 I'm going to call the Alabama Peace Officers</p> <p>13 Standards and Training Commission APOSTC.</p> <p>14 You understand what I'm referring to?</p> <p>15 A. Yes.</p> <p>16 Q. Did you check with anybody at</p> <p>17 APOSTC?</p> <p>18 A. We talked to some lady on that,</p> <p>19 about what the supervision was to make sure</p> <p>20 we were in the guidelines with what the law</p> <p>21 said about how long one had to train before</p> <p>22 they become certified.</p> <p>23 Q. Chief -- excuse me -- Mayor, so</p>	<p style="text-align: right;">Page 15</p> <p>1 A. Yes. They've been by themselves</p> <p>2 at times.</p> <p>3 Q. Do you issue them a weapon?</p> <p>4 A. Do we issue a weapon? I'm not --</p> <p>5 Q. You have to --</p> <p>6 MR. HOWARD: If you don't know,</p> <p>7 say I don't know.</p> <p>8 A. I don't know.</p> <p>9 Q. Do they have to furnish their own</p> <p>10 weapons?</p> <p>11 A. I don't know.</p> <p>12 Q. You don't know. Do you check to</p> <p>13 see if they had any, any training on how to</p> <p>14 handle volatile situations when they are out</p> <p>15 there in the police car by themselves?</p> <p>16 A. Well, we quiz them on those lines</p> <p>17 when we interview them.</p> <p>18 Q. And what if they have no</p> <p>19 training? Do you still put them out there?</p> <p>20 A. No.</p> <p>21 Q. Tell me somebody you haven't put</p> <p>22 out there.</p> <p>23 A. Well, we've had probably a dozen</p>
<p style="text-align: right;">Page 14</p> <p>1 you interpret -- I want to show you APOSTC</p> <p>2 Regulation 650-X-2.01. Let me get my copy.</p> <p>3 I want you to look at paragraph</p> <p>4 3-A-2. It says an applicant involved in</p> <p>5 patrol operations for the purpose of</p> <p>6 protection, prevention and suppression of</p> <p>7 crime or the enforcement of the traffic or</p> <p>8 highway laws of the State, including</p> <p>9 exercise the power of arrest, will be under</p> <p>10 the direct control and supervision of a</p> <p>11 certified law enforcement officer.</p> <p>12 A. I remember that, yes.</p> <p>13 Q. What do you interpret direct</p> <p>14 control and supervision to be?</p> <p>15 A. Well, as I mentioned earlier, he's</p> <p>16 in direct control twenty-four hours a day if</p> <p>17 he's on duty twenty-four hours. Not</p> <p>18 necessarily the calling, but he's still able</p> <p>19 to be in contact with them all the time.</p> <p>20 Q. So we can have -- These police</p> <p>21 officers y'all hire that aren't certified,</p> <p>22 do you put them in a patrol car by</p> <p>23 themselves?</p>	<p style="text-align: right;">Page 16</p> <p>1 applicants that we didn't hire for various</p> <p>2 rules and reasons that I'm not sure which</p> <p>3 ones they were.</p> <p>4 Q. Okay. Tell me what training that</p> <p>5 you as the mayor and the committee requires</p> <p>6 one of these applicants to have before he</p> <p>7 will be hired.</p> <p>8 A. Well, he's required to ride with</p> <p>9 the chief for a while under his direct</p> <p>10 supervision there with him and shows him the</p> <p>11 layout of the town, and then at intervals,</p> <p>12 he rides with him at different times.</p> <p>13 Q. Okay. So he's required to ride</p> <p>14 with the chief for a while and be under the</p> <p>15 chief's direct supervision?</p> <p>16 A. Yes.</p> <p>17 Q. And then at intervals, he's under</p> <p>18 the chief's direct supervision that rides</p> <p>19 with him on occasion?</p> <p>20 A. Yes.</p> <p>21 Q. Who has direct supervision of him</p> <p>22 when he's not riding with the chief?</p> <p>23 A. The chief.</p>

4 (Pages 13 to 16)

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FREEDOM COURT REPORTING

<p style="text-align: right;">Page 17</p> <p>1 Q. How does he have direct 2 supervision when he's not riding with him? 3 MR. HOWARD: Object to the form. 4 Asked and answered. 5 Q. If you know. 6 A. I think he uses his cell phone and 7 radios in the car to be in contact with him 8 at all times. 9 Q. Okay. Do you require these people 10 -- Does -- excuse me. Strike that. Does 11 the Town of Autaugaville have radar 12 equipment in their vehicles? 13 A. They do have. 14 Q. Okay. Prior to one of these 15 applicants you hire being put out on the 16 street, is he required to have certification 17 of how to operate a radar gun? 18 A. He is. 19 Q. So he goes through and gets a 20 certification from some school or state 21 agency? 22 A. Right. 23 Q. And it's an Alabama state agency</p>	<p style="text-align: right;">Page 19</p> <p>1 provided however that supervisor control is 2 exercised by a certified law enforcement 3 officer and total span of control would be 4 considered within reasonable limits. 5 What does without direct 6 supervision mean to you? What does that 7 phrase mean to you? 8 MR. HOWARD: Object to the form. 9 THE WITNESS: Pardon me? 10 MR. HOWARD: You can answer if you 11 know. 12 A. Well, it's same way with the 13 exception of others. Direct supervision is 14 being in contact with him and knows where 15 he's at and what he's doing. 16 Q. So without direct supervision 17 would be not being in contact? Is that the 18 way you would interpret that? 19 A. Within reasonable limits, yes. 20 Q. Okay. Now, what is the population 21 of the Town of Autaugaville? 22 A. One thousand and ninety-nine. 23 Q. One thousand ninety-nine?</p>
<p style="text-align: right;">Page 18</p> <p>1 that he gets that certification from; is 2 that correct? 3 A. To the best of my knowledge, 4 that's where it comes from. 5 Q. Who do you depend on to make sure 6 they've got all these certifications or 7 qualifications? 8 A. I depend on the chief. 9 Q. So if the chief says they can go 10 out on the street, you take him at his word? 11 A. At his word. 12 Q. You don't check behind him? 13 A. I never saw any reason to. So I 14 don't. 15 Q. So the answer is no, you don't 16 check behind the chief? 17 A. I do not. 18 Q. And that's Chief Levan Johnson? 19 A. That's right. 20 Q. Okay. Now, let's look down at 21 3-8-3 of Rule Number 650-X-2.01. And that 22 rule says, traffic direction and control may 23 be performed without direct supervision,</p>	<p style="text-align: right;">Page 20</p> <p>1 A. You believe, don't you, that -- or 2 do you believe that the people of 3 Autaugaville are entitled to the same 4 protection of laws that the people of 5 Prattville and Montgomery or Wetumpka or 6 Selma, don't you? 7 A. To the extent that we can provide 8 it with a limited force, right. 9 Q. And people of the City of -- Town 10 of Autaugaville -- I want to promote it -- 11 the Town of Autaugaville, they're just 12 entitled to have the law enforced properly 13 as it respects them as the people of any 14 other town or city within the State of 15 Alabama, aren't they? 16 MR. HOWARD: Object to the form. 17 You can answer if you know. 18 Q. Wouldn't you believe that? You're 19 the mayor. 20 A. Give that question again. What 21 did you say? 22 Q. The people of the Town of 23 Autaugaville, they are just as entitled as</p>

5 (Pages 17 to 20)

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FREEDOM COURT REPORTING

<p style="text-align: right;">Page 21</p> <p>1 the people of any other town or city in the</p> <p>2 State of Alabama to have the laws, state</p> <p>3 laws enforced the same way as any other</p> <p>4 place in the state?</p> <p>5 A. Oh, I'd say yes. But due to the</p> <p>6 limited force, they don't get nearly the</p> <p>7 attention that the larger cities would get.</p> <p>8 Q. Did you ever as mayor get anything</p> <p>9 in writing from the Alabama Peace Officers</p> <p>10 Standards and Training Commission that says</p> <p>11 direct supervision means supervision by</p> <p>12 telephone or radio?</p> <p>13 A. No. Neither did I get anything to</p> <p>14 say otherwise.</p> <p>15 Q. Did you ask for it?</p> <p>16 A. No. I didn't know any reason to</p> <p>17 ask for it because the way I understood it,</p> <p>18 it was covered.</p> <p>19 Q. And you can't tell me the lady you</p> <p>20 talked to down there or did you talk to her?</p> <p>21 A. Well, the chief done most of the</p> <p>22 talking to her at APOSTC.</p> <p>23 Q. But my question was, did you talk</p>	<p style="text-align: right;">Page 23</p> <p>1 A. Right. I have a water clerk</p> <p>2 that's -- she's the magistrate. So she can</p> <p>3 sign, too.</p> <p>4 Q. And who is that?</p> <p>5 A. Laura Danford.</p> <p>6 Q. Ms. Danford. And why does she</p> <p>7 sign the voucher or whatever it is that</p> <p>8 okay's the pay of the police officers?</p> <p>9 A. Because we require two</p> <p>10 signatures. I'm one of them and one of them</p> <p>11 is the other one, whoever happens to be</p> <p>12 there.</p> <p>13 Q. Who requires two signatures?</p> <p>14 A. I do. The Town councilmen require</p> <p>15 it.</p> <p>16 Q. Why do they require two</p> <p>17 signatures?</p> <p>18 A. I think for accountable purposes I</p> <p>19 would think.</p> <p>20 Q. I'm not talking about a check.</p> <p>21 I'm talking about certification that these</p> <p>22 people are entitled to pay.</p> <p>23 MR. HOWARD: Object to the form.</p>
<p style="text-align: right;">Page 22</p> <p>1 to anybody down there, Mr. Mayor?</p> <p>2 A. I don't believe I did.</p> <p>3 Q. Okay. There again, you depended</p> <p>4 on Chief Johnson, didn't you?</p> <p>5 A. Sure.</p> <p>6 Q. Have you ever been certified by</p> <p>7 the Alabama Peace Officers Standards and</p> <p>8 Training Commission as a law enforcement</p> <p>9 official?</p> <p>10 A. Not to my knowledge.</p> <p>11 Q. Mr. Mayor, who signs the police</p> <p>12 officers' payroll that says they can be</p> <p>13 paid? Who okay's their payment?</p> <p>14 A. I do.</p> <p>15 Q. You do?</p> <p>16 A. There's two signatures.</p> <p>17 Q. Who else signs it beside you?</p> <p>18 A. The town clerk.</p> <p>19 Q. What's the town clerk's name?</p> <p>20 A. Valerie Seabon and Laura Danford.</p> <p>21 I've got two of them authorized to sign with</p> <p>22 me.</p> <p>23 Q. You have two town clerks?</p>	<p style="text-align: right;">Page 24</p> <p>1 I don't understand that one.</p> <p>2 Q. Who turns in the payroll as to</p> <p>3 what each officer should be paid?</p> <p>4 A. Well, the chief turns them in for</p> <p>5 his people.</p> <p>6 Q. Okay. And who does he turn them</p> <p>7 in to?</p> <p>8 A. He turns them in to one of those</p> <p>9 clerks who pass it on to me.</p> <p>10 Q. Does the clerk -- Is it the</p> <p>11 clerk's job to go over the payroll?</p> <p>12 A. Yes.</p> <p>13 Q. And what is her -- that clerk's</p> <p>14 purpose for going over the payroll?</p> <p>15 A. Well, they check each other, you</p> <p>16 know, the two that sign it. That's why two</p> <p>17 people sign it. One verifies it and the</p> <p>18 other one checks it to agree with it.</p> <p>19 Q. What do they verify?</p> <p>20 A. The amount of money.</p> <p>21 Q. How do they know the amount of</p> <p>22 money is correct?</p> <p>23 A. They know what they are supposed</p>

6 (Pages 21 to 24)

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FREEDOM COURT REPORTING

<p style="text-align: right;">Page 25</p> <p>1 to be paid an hour and they know how many 2 hours they work. 3 Q. Now, are there timecards? 4 A. No. 5 Q. Are there sign-in's? 6 A. Sign-in's? 7 Q. Yes. When they come to work, do 8 they sign in? 9 A. Not physically. 10 Q. Is there any log or record kept on 11 when people work or when they don't work of 12 the time they work? 13 A. Yes. 14 Q. Okay. 15 A. There's a record kept. 16 Q. What kind of record is that? 17 A. Just the names saying how many 18 hours they worked, the day they worked. 19 Q. Do they keep a record of the time 20 period they worked? 21 A. Yes. 22 Q. So if I wanted to find out all the 23 police officers on duty from eight o'clock</p>	<p style="text-align: right;">Page 27</p> <p>1 Q. At that point in time, do you have 2 the authority to say no, this one doesn't 3 meet our standards? 4 A. I do. 5 Q. And then if you say they -- in 6 your opinion if they meet the standard, it 7 goes on up to the City council; is that 8 correct? 9 A. That's right. 10 Q. How many police -- What's your 11 police officers' shifts they normally work? 12 A. The chief is on eight hours in the 13 day time. 14 Q. What's his hours, normal hours? 15 A. 8:00 to 5:00, I believe, is what 16 it is now. 17 Q. Okay. 18 A. And then we've got the deputy that 19 comes on at 5:00 until 2:00 in the morning, 20 I think. 21 Q. You say deputy. What do you mean? 22 A. Just the other chief. Other -- 23 Q. Deputy chief?</p>
<p style="text-align: right;">Page 26</p> <p>1 on December the 20th to three o'clock on 2 December the 21st, there is a record or a 3 log of that? 4 A. I would say so, yes. 5 Q. And what is that called? 6 A. Well, it's a -- It's just a sign 7 in register for the fact that they worked 8 that day so you'd have some legal means to 9 pay them. 10 Q. Now, you supervise the police 11 chief? 12 A. Right. 13 Q. He reports to you? 14 A. Yes. 15 Q. Does he report directly to the 16 council or does he report directly to you? 17 A. He reports to both. 18 Q. How does he -- When people are 19 hired, do you have anything to do with it 20 before it gets to this council? 21 A. Yes. I go over the application 22 and whatever information we have on him of 23 whatever goes to the council.</p>	<p style="text-align: right;">Page 28</p> <p>1 A. Other policemen. 2 Q. Or just other policemen? 3 A. Other policemen. 4 Q. Okay. From 8:00 to 5:00, how many 5 law enforcement officers do you have 6 working? 7 A. We just have two now. 8 Q. Two. It's the chief and who? 9 A. The chief and David Mastin. 10 Q. Has it always been just two from 11 8:00 to 5:00? 12 A. No. We've had as many as four at 13 one time. But we couldn't afford them. So 14 we had to let some of them go. 15 Q. Now, after five o'clock, what's 16 the next shift? 17 A. It would depend on the county. 18 The County provides us when we don't have 19 anybody on duty. 20 Q. Okay. If you have somebody on 21 duty, how many people do you have on duty 22 after five o'clock? 23 A. One.</p>

7 (Pages 25 to 28)

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FREEDOM COURT REPORTING

Page 29

1 **Q. One?**
 2 A. Well, I guess we've got two. The
 3 chief is on duty twenty-four hours a day.
 4 **Q. Is he paid twenty-four hours a**
 5 **day?**
 6 A. Yes.
 7 **Q. Okay. So how much is he paid an**
 8 **hour?**
 9 A. I believe it's seventeen now,
 10 isn't it?
 11 MR. HOWARD: Just tell him what
 12 you know. He's going to get his turn.
 13 A. I think it's about seventeen
 14 dollars an hour.
 15 **Q. Seventeen dollars an hour?**
 16 A. Yes.
 17 **Q. And he's paid that twenty-four**
 18 **hours a day?**
 19 A. Well, no. He's on salary. But
 20 when you break it down in hours, that's
 21 about what it comes to.
 22 **Q. Is he basically paid on a forty**
 23 **hour week then?**

Page 30

1 A. For computer purposes and payroll
 2 computation, that's what it is, yes.
 3 **Q. How many -- When he's not on duty**
 4 **at the police office, is he required to stay**
 5 **within the town limits of Autaugaville?**
 6 A. No.
 7 **Q. Does he live within the town**
 8 **limits of Autaugaville?**
 9 A. No.
 10 **Q. Does he live within the police**
 11 **jurisdiction of Autaugaville?**
 12 A. The chief doesn't, no.
 13 **Q. Where does he live?**
 14 A. He lives in Prattville.
 15 **Q. In Prattville. And how far away**
 16 **is Prattville?**
 17 A. From his home, six miles, I
 18 believe.
 19 **Q. So he's six miles out from**
 20 **Autaugaville?**
 21 A. Yes.
 22 **Q. But he lives within the city of**
 23 **Prattville?**

Page 31

1 A. That's right.
 2 **Q. Now, is that six miles from**
 3 **downtown Autaugaville or six miles from the**
 4 **police jurisdiction or six miles from the**
 5 **city limits?**
 6 A. Six miles to the police office in
 7 Autaugaville.
 8 **Q. So if a police officer is working**
 9 **after 5:00 p.m. in the daytime, there is no**
 10 **other police officer on duty in the Town of**
 11 **Autaugaville except that one that's working;**
 12 **is that correct?**
 13 A. The one that's working, yes.
 14 **Q. Okay. Prior to this lawsuit being**
 15 **filed the 20th day of February, 2006, had**
 16 **anyone ever raised the question to you that**
 17 **the Town of Autaugaville had uncertified**
 18 **police officers arresting people?**
 19 A. Nobody ever raised it to me.
 20 There was an article in the paper that I
 21 read.
 22 **Q. And was that prior to this lawsuit**
 23 **being filed or prior to you being served?**

Page 32

1 A. No. This was prior to me being
 2 served. We've had a police office all this
 3 time, but nobody ever said we were out of
 4 line with it. Nobody ever questioned it.
 5 **Q. How long has the Town of**
 6 **Autaugaville provided their own police**
 7 **department?**
 8 A. Well, we've had two. We had a
 9 police department about fifteen years ago.
 10 We abandoned it then because we couldn't
 11 afford it. And the new one started up just
 12 four years ago, I guess.
 13 **Q. Four years ago?**
 14 A. Uh-huh.
 15 **Q. So that would be 2003?**
 16 A. I guess so.
 17 **Q. And who was your first police**
 18 **chief?**
 19 A. O.H. Pigford.
 20 **Q. Who?**
 21 A. O.H. Pigford.
 22 **Q. And he was there -- That was the**
 23 **one fifteen years ago?**

8 (Pages 29 to 32)

367 VALLEY AVENUE
 (205) 397-2397 BIRMINGHAM, ALABAMA 1-800-373-3660

FREEDOM COURT REPORTING

<p style="text-align: right;">Page 33</p> <p>1 A. No. He was the one four years 2 ago. The first police chief back in, gosh, 3 fifteen years ago, I don't remember who it 4 was. 5 Q. We'll just talk about four years 6 ago. Who was the next police chief? 7 A. Jay McMichael, I guess, was the 8 next one. 9 Q. How long was O.H. Pigford the 10 police chief? 11 A. I don't think he stayed but about 12 six months. 13 Q. How long was Jay McMichael the 14 police chief? 15 A. He was about two and a half years, 16 I guess. 17 Q. So what we've got here, we've got 18 six months and two and a half years. We've 19 got three years so far. How long -- Who was 20 the police chief after Jay McMichael? 21 A. Chief Johnson. 22 Q. And how long has he been the 23 police chief?</p>	<p style="text-align: right;">Page 35</p> <p>1 -- you know, we didn't have our own court 2 system. So we had no means of revenue 3 coming in. 4 Q. Well, I'm not asking about the 5 court system. I said who came up with the 6 idea to get the police department activated? 7 A. Chief Johnson did. 8 Q. Chief Johnson came up with the 9 idea to activate the police department? 10 A. No. The town council came up with 11 that idea. 12 Q. Is there some minutes or something 13 from the town council that they voted to 14 activate the police department? 15 A. Yes. 16 Q. Who was responsible for getting 17 the police department activated? 18 A. Well, I'd say it would be me and 19 the town council. 20 Q. Okay. Who had the responsibility 21 of getting it forming, be sure it was formed 22 in the correct manner? Would that be you or 23 would that be the town council?</p>
<p style="text-align: right;">Page 34</p> <p>1 A. Two years, I guess. 2 Q. So we know, according to you, 3 we've got -- that's at least five years. 4 Was Mr. Johnson the police chief in April of 5 2004? 6 A. I don't remember what the year 7 was. 8 Q. You don't remember. Okay. So 9 prior to Levan Johnson becoming police 10 chief, y'all had had a police department on 11 this second regime about three years? 12 A. Yes, I'd say that's about right. 13 Q. If we can figure out when Mr. 14 Johnson became police chief, we'll know when 15 y'all started the second police department, 16 won't we? 17 A. That's right. 18 Q. I think he was the third police 19 chief. Who came up with the idea to 20 reactivate your police department you 21 started seven, eight years ago? 22 A. Well, the council came up with it 23 because even while McMichael was there, we</p>	<p style="text-align: right;">Page 36</p> <p>1 A. It would be the combination. 2 Q. Okay. What did you do to make 3 sure you understood what it took to form a 4 police department? 5 A. Well, I checked with the 6 Prattville Police Department and the 7 Sheriff's Office and some three other cities 8 that had them to try to resolve some of the 9 problems they had before we got into it. So 10 that's how it came about. 11 Q. Now, you said something to the 12 effect -- I guess the court system. You 13 didn't have any revenue coming in. Was that 14 the reason you formed the court system, to 15 get revenue coming into the town? 16 A. No. It would just give us a 17 better coverage. We'd have our own 18 magistrate there. Of course, that's the 19 only way to provide revenue, is through the 20 court system. It was all going to the 21 County. 22 They were getting it all. It 23 wasn't done just to get the money in there.</p>

9 (Pages 33 to 36)

367 VALLEY AVENUE
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FREEDOM COURT REPORTING

<p style="text-align: right;">Page 37</p> <p>1 It just helped us to be able to financially 2 support it with the revenue. 3 Q. So the owners for the revenue was 4 the financial support -- the reason for -- 5 excuse me -- the court system was to produce 6 revenue for financial support? 7 A. Well, it was always paid for out 8 of the general fund. But that's just tax 9 money. 10 Q. What was always paid for out of 11 your general fund? 12 A. The police department until we 13 went with the court system. 14 Q. Now, how is it paid for? 15 A. It's still paid the same. 16 Q. General fund? 17 A. Yes. 18 Q. And where does the revenue of the 19 court system go? 20 A. It goes to the County and the 21 State. It's broken down about ten different 22 ways. 23 Q. So y'all still don't get any money</p>	<p style="text-align: right;">Page 39</p> <p>1 CERTIFICATE 2 3 STATE OF ALABAMA) 4 MONTGOMERY COUNTY) 5 6 I hereby certify that the above 7 and foregoing deposition was taken down by 8 me in stenotype, and the questions and 9 answers thereto were transcribed by means of 10 computer-aided transcription, and that the 11 foregoing represents a true and correct 12 transcript of the testimony given by said 13 witness upon said hearing. 14 I further certify that I am 15 neither of counsel, nor of kin to the 16 parties to the action, nor am I in any wise 17 interested in the result of said cause. 18 19 20 21 22 23</p> <p style="text-align: center;">----- CINDY WELDON</p>
<p style="text-align: right;">Page 38</p> <p>1 from the court system? 2 A. Very little. The State and the 3 County gets the majority of it. 4 Q. And who audits that, if you know? 5 A. Jackson, Thornton, Prattville. 6 Q. How often does Jackson, Thornton 7 audit your court system? 8 A. Once a year. 9 Q. Once a year. So the court system 10 has audits by Jackson, Thornton? 11 A. With the Town, yes. 12 MR. DEBARDELABEN: That's all I 13 have of the mayor. Thank you. 14 15 16 17 18 19 20 21 22 23</p>	

10 (Pages 37 to 39)

367 VALLEY AVENUE
(205) 397-2397 BIRMINGHAM, ALABAMA 1-800-373-3660

FREEDOM COURT REPORTING

Page 40

A	13:2,16 22:1 28:19 APOSTC 13:13 13:17 14:1 21:22 APOSTC's 13:8 applicant 14:4 applicants 16:1 16:6 17:15 application 26:21 applied 11:4 April 1:19 2:21 34:4 arrest 14:9 arresting 31:18 article 31:20 Asked 17:4 asking 35:4 assign 3:5 attention 21:7 audit 38:7 audits 38:4,10 Autaugaville 1:8 2:9 7:3 8:2,19 8:22 9:6,9,10 9:13 10:16,17 17:11 19:21 20:3,10,11,23 30:5,8,11,20 31:3,7,11,17 32:6 authority 27:2 authorized 22:21 AVENUE 4:6 a.m 2:22	B back 11:6 33:2 background 11:12 basically 10:2 29:22	becoming 34:9 believe 20:1,2,18 22:2 27:15 29:9 30:18 best 18:3 better 36:17 Birmingham 7:16 blood 8:8 break 29:20 broken 37:21	C C 4:1 39:1,1 call 13:12 called 26:5 calling 14:18 capacity 9:8 car 14:22 15:15 17:7 Carmichael 2:20 4:12 cars 12:21 CASE 1:7 2:7 cause 39:17 cell 12:20 17:6 certification 17:16,20 18:1 23:21 certifications 18:6 certified 2:18 12:1,6,10,14 13:22 14:11,21 19:2 22:6 certify 39:6,14 change 6:13 check 11:7,12,22 13:16 15:12 18:12,16 23:20 24:15 checked 36:5 checking 10:12 checks 24:18	chief 10:17 13:23 16:9,14 16:22,23 18:8 18:9,16,18 21:21 22:4 24:4 26:11 27:12,22,23 28:8,9 29:3 30:12 32:18 33:2,6,10,14 33:20,21,23 34:4,10,14,19 35:7,8 chief's 16:15,18 Cindy 1:15 2:17 39:21 cities 21:7 36:7 city 7:10 9:6 10:16 20:9,14 21:1 27:7 30:22 31:5 Civil 1:14 6:10 clean 11:15 clerk 22:18 23:1 24:10 clerks 22:23 24:9 clerk's 22:19 24:11,13 combination 36:1 come 13:3 25:7 comes 18:4 27:19 29:21 coming 35:3 36:13,15 Commission 12:3,8 13:13 21:10 22:8 Commissioner 2:19 3:11 committee 10:23 16:5 computation	30:2 computer 30:1 computer-aided 39:10 concerning 9:6 considered 19:4 constant 12:21 contact 9:23 12:22 13:2 14:19 17:7 19:14,17 control 14:10,14 14:16 18:22 19:1,3 copy 14:2 correct 6:12 18:2 24:22 27:8 31:12 35:22 39:11 correctly 6:15 council 8:18 11:1,8 26:16 26:20,23 27:7 34:22 35:10,13 35:19,23 councilmen 23:14 counsel 2:16 3:2 3:4 39:15 county 8:1 10:15 28:17,18 36:21 37:20 38:3 39:4 course 36:18 court 1:1,21,22 2:1 6:5 35:1,5 36:12,14,20 37:5,13,19 38:1,7,9 cousins 8:10 coverage 36:17 covered 21:18 crime 14:7 Curtis 1:12 2:17
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367 VALLEY AVENUE

(205) 397-2397 BIRMINGHAM, ALABAMA 1-800-373-3660

FREEDOM COURT REPORTING

Page 41

6:1,22	direct 14:10,13 14:16 16:9,15 16:18,21 17:1 18:23 19:5,13 19:16 21:11	et 1:5,9 2:5,10 evaluation 10:7 everyday 9:23 10:13 evidence 3:7 EXAMINATI... 5:3 6:4 exception 19:13 excuse 10:16 13:23 17:10 37:5 exercise 14:9 exercised 19:2 exhibits 1:19 experience 11:14 extent 20:7	foregoing 39:7 39:11 form 3:3 9:19 17:3 19:8 20:16 23:23 36:3 formed 35:21 36:14 forming 35:21 forty 29:22 four 12:19 28:12 32:12,13 33:1 33:5 fund 37:8,11,16 furnish 15:9 further 2:23 3:9 39:14	12:13,23 guidelines 13:20 gun 17:17
D				H
D 5:1	direction 18:22			half 33:15,18
Danford 22:20	directly 26:15 26:16			handle 15:14
23:5,6	DISTRICT 1:1 1:2 2:1,2			happens 23:11
daughter 7:20	DIVISION 1:3 2:3			Hardin 7:22
David 28:9	doing 19:15			head 13:11
day 1:18 14:16	dollars 29:14,15			heads 10:4
25:18 26:8	DONNIE 4:18			hearing 39:13
27:13 29:3,5	downtown 31:3			helped 37:1
29:18 31:15	dozen 15:23			highway 7:3 14:8
daytime 31:9	due 21:5			hire 12:5,5 14:21 16:1 17:15
day-to-day 9:18	duly 6:2	F	G	hired 10:20 12:9 16:7 26:19
Debardelaben	duties 9:13	F 39:1	general 37:8,11 37:16	Holtsford 2:20 4:11
1:17 4:4,5 5:4	duty 14:17 25:23 28:19,21	fact 26:7	generally 8:15	home 7:1 30:17
6:4,8 38:12	28:21 29:3	family 8:4,5,6 11:16	getting 35:16,21 36:22	hour 25:1 29:8 29:14,15,23
December 26:1	30:3 31:10	far 8:6 30:15 33:19	give 7:14 10:6 20:20 36:16	hours 14:16,17 25:2,18 27:12 27:14,14 29:3 29:4,18,20
26:2	E	February 31:15	given 39:12	HOWARD 4:10 6:7,18 9:19 15:6 17:3 19:8 19:10 20:16 23:23 29:11
decision 6:19	E 4:1,1 5:1 39:1 39:1	Federal 6:9,10	go 8:7 11:6,15 18:9 24:11 26:21 28:14 37:19	hundred 7:10
DEFENDANT	earlier 14:15	fifteen 32:9,23 33:3	goes 11:10 17:19 26:23 27:7 37:20	I
4:9	effect 36:12	Fifty-four 7:7	going 7:19 10:1 10:14 11:23 13:12 24:14 29:12 36:20	idea 34:19 35:6 35:9,11
Defendants 1:10	effective 1:15	figure 34:13	grounds 3:5	including 14:8
2:11	eight 25:23 27:12 34:21	filed 1:22 31:15 31:23	guess 29:2 32:12 32:16 33:7,16 34:1 36:12	information 26:22
definition 13:3	employ 11:2	filing 3:10	guidance 12:10	instance 11:4
degree 13:6	employees 12:16	financial 37:4,6		interested 39:17
delivering 1:16	enforced 20:12 21:3	financially 37:1		interpret 14:1
department	enforcement 14:7,11 19:2 22:8 28:5	find 11:17 25:22 33:2		
10:4,10,14,21	entitled 20:3,12 20:23 23:22	first 6:2 32:17 33:2		
32:7,9 34:10	equipment 17:12	five 28:15,22 34:3		
34:15,20 35:6		follow 11:20		
35:9,14,17		follows 6:3		
36:4,6 37:12		force 20:8 21:6		
depend 18:5,8 28:17				
depended 22:3				
deposition 1:12 2:16 3:7,11 6:10 39:7				
deputy 27:18,21 27:23				
determine 11:15				
different 11:9 16:12 37:21				

367 VALLEY AVENUE
(205) 397-2397 BIRMINGHAM, ALABAMA 1-800-373-3660

FREEDOM COURT REPORTING

Page 42

14:13 19:18 interpretation 10:12 12:13 intervals 16:11 16:17 interview 11:1,5 15:17 interviews 11:8 11:11 involved 14:4 issue 15:3,4	22:10 knows 19:14 <hr/> L <hr/> L 2:13 lady 13:18 21:19 Lafayette 8:17 larger 21:7 Laura 22:20 23:5 law 13:4,5,5,20 14:11 19:2 20:12 22:8 28:5 laws 14:8 20:4 21:2,3 lawsuit 9:6 31:14,22 lawyer 6:16 layout 16:11 leading 3:3 legal 26:8 let's 18:20 Levan 4:16 18:18 34:9 limited 20:8 21:6 limits 19:4,19 30:5,8 31:5 line 32:4 lines 15:16 list 11:19 little 38:2 live 7:9,23 8:16 30:7,10,13 lived 7:5 lives 7:15 8:1,19 8:22 30:14,22 log 25:10 26:3 long 7:5 9:9 13:21 32:5 33:9,13,19,22 look 14:3 18:20	MADISON 4:6 magistrate 23:2 36:18 majority 38:3 manner 35:22 marriage 8:9 MARTIN 4:18 Mastin 28:9 MATTHEWS 1:5 2:5 mayor 6:9 9:8 9:10,12 13:23 16:5 20:19 21:8 22:1,11 38:13 McMichael 33:7 33:13,20 34:23 mean 19:6,7 27:21 means 21:11 26:8 35:2 39:9 meet 27:3,6 members 8:19 mentioned 14:15 MIDDLE 1:2 2:2 miles 7:10 12:19 30:17,19 31:2 31:3,4,6 minute 12:22 minutes 35:12 money 24:20,22 36:23 37:9,23 Montgomery 2:21 4:7,13 7:10 20:5 39:4 months 33:12,18 morning 27:19	8:15 9:3,4 22:19 named 9:5,7 names 7:14 8:12 25:17 nearly 21:6 necessarily 14:18 necessary 3:1 need 8:14,15 neither 21:13 39:15 never 18:13 new 32:11 nineteen 7:9,11 ninety-nine 19:22,23 Nix 2:20 4:11 normal 27:14 normally 27:11 NORTHERN 1:3 2:3 Notary 2:19 notice 3:10 Number 1:7 2:7 18:21	27:11 28:5 31:18 offices 2:20 official 9:8 22:9 Oh 21:5 Okay 8:3,17 9:17 10:6 11:22 12:12 16:4,13 17:9 17:14 18:20 19:20 22:3 24:6 25:14 27:17 28:4,20 29:7 31:14 34:8 35:20 36:2 okay's 22:13 23:8 Once 38:8,9 ones 11:9 16:3 operate 17:17 operation 9:15 operations 14:5 opinion 27:6 oral 1:18 original 1:17 overall 9:15 overseeing 9:15 owners 37:3 o'clock 25:23 26:1 28:15,22 O.H 32:19,21 33:9
<hr/> J <hr/> Jackson 1:12 2:17 6:1,9,22 7:18 9:4 38:5,6 38:10 Jan 7:22 Jay 33:7,13,20 Jim 1:16 4:4 job 11:5 24:11 Johnson 4:16 18:18 22:4 33:21 34:4,9 34:14 35:7,8 Judy 9:4 jurisdiction 30:11 31:4	<hr/> K <hr/> keep 7:19 25:19 kept 25:10,15 kin 8:8 39:15 kind 8:11 11:20 25:16 know 8:12,13 11:13 12:17,19 15:6,7,8,11,12 17:5 19:11 20:17 21:16 24:16,21,23 25:1 29:12 34:2,14 35:1 38:4 knowledge 18:3	<hr/> N <hr/> N 2:13 4:1 5:1 name 6:20 7:17 7:18,21,22	<hr/> O <hr/> O 2:13 Object 9:19 17:3 19:8 20:16 23:23 objections 3:2,5 occasion 16:19 offered 3:7 office 30:4 31:6 32:2 36:7 officer 12:11,14 14:11 19:3 24:3 31:8,10 officers 12:1,2,7 13:12 14:21 21:9 22:7,12 23:8 25:23	<hr/> P <hr/> P 2:13 4:1,1 PAGE 5:3 paid 22:13 24:3 25:1 29:4,7,17 29:22 37:7,10 37:14,15 paper 31:20 paragraph 14:3 Pardon 19:9

367 VALLEY AVENUE

(205) 397-2397 BIRMINGHAM, ALABAMA 1-800-373-3660

FREEDOM COURT REPORTING

Page 43

part 10:23	33:23 34:4,9	18:7	represents 39:11	sat 11:9
parties 2:15 3:4	34:10,14,15,18	qualified 13:1	require 17:9	saw 18:13
39:16	34:20 35:6,9	question 20:20	23:9,14,16	saying 25:17
pass 24:9	35:14,17 36:4	21:23 31:16	required 16:8	says 14:4 18:9
patrol 14:5,22	36:6 37:12	questioned 32:4	16:13 17:16	18:22 21:10
pay 23:8,22 26:9	policemen 12:23	questions 3:3,4	30:4	22:12
payment 22:13	28:1,2,3	39:8	requires 16:5	school 17:20
payroll 22:12	population	quiz 15:16	23:13	Seabon 22:20
24:2,11,14	19:20		resolve 36:8	second 34:11,15
30:1	positions 10:3	<hr/> R <hr/>	respective 2:16	see 6:12,14,16
Peace 12:2,7	power 14:9	R 4:1 39:1	respects 20:13	9:23 15:13
13:12 21:9	Prattville 20:5	radar 17:11,17	responsibility	seeing 10:13
22:7	30:14,15,16,23	radio 21:12	35:20	Segers 4:17 11:3
people 10:3,6,20	36:6 38:5	radios 12:20	responsible	Selma 20:6
11:23 17:9	PRESENT 4:15	17:7	35:16	served 31:23
20:2,4,9,13,22	prevention 14:6	raised 31:16,19	result 39:17	32:2
21:1 23:22	prior 3:7 17:14	reactivate 34:20	retained 1:21	Seth 8:21
24:5,17 25:11	31:14,22,23	read 6:11,16	revenue 35:2	setup 10:15
26:18 28:21	32:1 34:9	13:4,5,8,10	36:13,15,19	seven 34:21
31:18	probably 15:23	31:21	37:2,3,6,18	seventeen 29:9
performed	problems 36:9	reading 6:17	RICARDO 1:5	29:13,15
18:23	Procedure 1:14	really 11:19	2:5	Sheriff's 36:7
period 25:20	6:11	reason 18:13	RICK 4:10	shift 28:16
phone 17:6	produce 37:5	21:16 36:14	ride 16:8,13	shifts 27:11
phones 12:20	promote 20:10	37:4	rides 16:12,18	short 9:14
phrase 19:7	properly 20:12	reasonable 19:4	riding 16:22	Shorthand 2:18
physically 25:9	protection 14:6	19:19	17:2	show 14:1
Pigford 32:19	20:4	reasons 16:2	right 6:11 9:2	shows 16:10
32:21 33:9	provide 20:7	record 11:7,15	17:22 18:19	side 7:16
place 21:4	36:19	25:10,15,16,19	20:8 23:1	sign 6:12,17,17
PLAINTIFF 4:3	provided 19:1	26:2	26:12 27:9	22:21 23:3,7
Plaintiffs 1:6 2:6	32:6	referring 13:14	31:1 34:12,17	24:16,17 25:8
please 1:20 6:21	provides 28:18	regime 34:11	Road 2:21 4:12	26:6
point 27:1	Public 2:19	register 26:7	8:1	signatures 22:16
police 10:9,17	purpose 14:5	Regulation 14:2	Ronald 7:18	23:10,13,17
10:21 11:23	24:14	regulations 13:9	rule 1:13 18:21	signs 22:11,17
14:20 15:15	purposes 23:18	relatives 7:8	18:22	sign-in's 25:5,6
22:11 23:8	30:1	remember 14:12	rules 1:14 6:10	sir 7:2,12 8:5
25:23 26:10	put 14:22 15:19	33:3 34:6,8	13:8 16:2	13:10
27:10,11 30:4	15:21 17:15	report 10:18		sit 11:7
30:10 31:4,6,8	p.m 31:9	26:15,16	<hr/> S <hr/>	situations 11:16
31:10,18 32:2		Reporter 1:21	S 2:13 4:1	15:14
32:6,9,17 33:2	<hr/> Q <hr/>	2:18 6:5	salary 29:19	six 30:17,19 31:2
33:6,10,14,20	qualifications	reports 26:13,17	Sanderson 8:18	31:3,4,6 33:12

367 VALLEY AVENUE

(205) 397-2397 BIRMINGHAM, ALABAMA 1-800-373-3660

FREEDOM COURT REPORTING

Page 44

33:18 Snuggs 8:21 somebody 12:6 15:21 28:20 somewhat 11:16 son 7:15 South 8:1 span 19:3 square 12:19 standard 27:6 standards 12:2 12:7 13:13 21:10 22:7 27:3 started 32:11 34:15,21 state 6:20 14:8 17:20,23 20:14 21:2,2,4 37:21 38:2 39:3 STATES 1:1 2:1 stay 30:4 stayed 33:11 stenotype 39:8 STIPULATED 2:14,23 3:9 stipulations 6:6 street 17:16 18:10 Strike 17:10 stuff 8:11 supervise 9:17 9:21 10:2,9,11 12:16 26:10 supervision 10:12 13:1,19 14:10,14 16:10 16:15,18,21 17:2 18:23 19:6,13,16 21:11,11 supervisor 19:1 supervisory 10:3	support 37:2,4,6 supposed 24:23 suppression 14:6 sure 6:7 9:1 13:19 16:2 18:5 22:5 35:21 36:3 sworn 6:2 system 35:2,5 36:12,14,20 37:5,13,19 38:1,7,9 <hr/> T T 2:13,13 39:1,1 take 10:22 11:3 18:10 taken 1:18 2:17 39:7 talk 6:15 11:13 13:11 21:20,23 33:5 talked 13:18 21:20 talking 21:22 23:20,21 tax 37:8 telephone 21:12 tell 11:10,17 12:12 15:21 16:4 21:19 29:11 ten 37:21 testified 6:2 testimony 1:18 39:12 Thank 38:13 thereto 3:8 39:9 things 10:1 think 9:1,7 17:6 23:18,19 27:20 29:13 33:11 34:18	third 34:18 Thirty-nine 9:11 9:12 Thornton 38:5,6 38:10 thousand 19:22 19:23 three 26:1 33:19 34:11 36:7 time 3:6,6 9:22 12:18 14:19 25:12,19 27:1 27:13 28:13 32:3 timecards 25:3 times 15:2 16:12 17:8 total 19:3 town 1:8 2:9 9:16 12:17,19 16:11 17:11 19:21 20:9,11 20:14,22 21:1 22:18,19,23 23:14 30:5,7 31:10,17 32:5 35:10,13,19,23 36:15 38:11 traffic 14:7 18:22 train 13:21 training 12:3,8 13:13 15:13,19 16:4 21:10 22:8 transcribed 39:9 transcript 1:17 39:12 transcription 39:10 trial 3:6 true 39:11 try 11:14,17 36:8	turn 24:6 29:12 turns 24:2,4,8 twenty-four 14:16,17 29:3 29:4,17 two 12:22 22:16 22:21,23 23:9 23:13,16 24:16 24:16 28:7,8 28:10 29:2 32:8 33:15,18 34:1 type 10:7 <hr/> U U 2:13 Uh-huh 32:14 uncertified 31:17 understand 13:14 24:1 understood 21:17 36:3 UNITED 1:1 2:1 uses 17:6 Usual 6:5 <hr/> V Valerie 22:20 Valleydale 7:16 various 16:1 vehicles 17:12 verifies 24:17 verify 24:19 version 9:14 volatile 15:14 voted 35:13 voucher 23:7 vs 1:7 2:7 <hr/> W waive 6:17 waived 3:11 want 6:15,16 14:1,3 20:10	wanted 25:22 wasn't 36:23 water 23:1 way 11:21 12:16 19:12,18 21:3 21:17 36:19 ways 37:22 weapon 15:3,4 weapons 15:10 week 29:23 Weldon 1:16 2:18 39:21 went 37:13 West 7:3 WESTRY 4:5 Wetumpka 20:5 we'll 6:18 33:5 34:14 we've 11:19 12:9 15:23 27:18 28:12 29:2 32:2,8 33:17 33:17,18 34:3 wife's 9:3 willing 11:17 wise 39:16 witness 19:9 39:13 word 18:10,11 work 25:2,7,11 25:11,12 27:11 worked 25:18 25:18,20 26:7 working 28:6 31:8,11,13 Wouldn't 20:18 writing 21:9 WYATT 4:17 <hr/> X X 5:1 <hr/> Y year 34:6 38:8,9 years 7:7,9 9:11
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367 VALLEY AVENUE
(205) 397-2397 BIRMINGHAM, ALABAMA 1-800-373-3660

FREEDOM COURT REPORTING

Page 45

9:12 32:9,12 32:13,23 33:1 33:3,5,15,18 33:19 34:1,3 34:11,21 y'all 14:21 34:10 34:15 37:23	650-X-2.01 14:2 18:21			
1	8			
14 7:3 15 1:15 1505 4:6 1988 1:15	8:00 27:15 28:4 28:11			
2	9			
2:00 27:19 2:06-CV-185-... 1:8 2:8 20th 1:18 2:22 26:1 31:15 2003 32:15 2004 34:5 2006 31:15 2007 1:19 2:22 21 8:1 21st 26:2 2177 7:3	9:00 2:22			
3				
3-A-2 14:4 3-8-3 18:21 36003 7:4 36106 4:13 36107 4:7				
4				
4001 2:20 4:12				
5				
5(d) 1:13 5:00 27:15,19 28:4,11 31:9				
6				
6 5:4				

367 VALLEY AVENUE
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